

# PROCLAMATION

BY THE

## Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

I disapprove, and am vetoing and filing with the Secretary of State House Bill No. 204.

This Bill amends Article 2133 of the Revised Civil Statutes by deleting the requirement that a juror be a freeholder in the State or a householder in the county or wife of a householder in the county. However, it does not amend Article 35.16 of the Code of Criminal Procedure to delete the provision in that statute that a prospective juror in a criminal case may be challenged for cause by either the State or the defense for the reason "that he is neither a householder in the county nor a freeholder in the State, nor the wife of such a householder." Consequently, the qualifications for jurors in civil cases and in criminal cases would be different if House Bill No. 204 became law.

In counties which are under the Jury Wheel Law, there is no authority to prepare two different jury wheels, one for civil cases and another for criminal cases. If House Bill No. 204 was given effect, names of persons known to be disqualified to serve on juries in criminal cases would have to be put into the wheel, and every jury list drawn for the trial of criminal cases might include the names of persons disqualified to serve on this ground. The drawing of names of disqualified persons would result in considerable inconvenience to all parties concerned, and it might cause delay in the trial of cases through exhaustion of the list of persons summoned before a jury was selected.

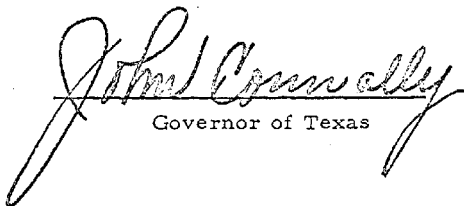
In those counties which select juries through the commissioner system, the existence of two different standards for jurors would also cause a great deal of confusion. There appears to be no authority for the commissioners to make up two different sets of names, one for civil cases and another for criminal

cases, from which jury panels are to be chosen. If the commissioners did follow that procedure, it might place into question the legality of every jury array and any panel selected from it. If they did not follow that procedure, the counties under the jury commissioner system would experience the same undesirable consequences as counties under the jury wheel system.

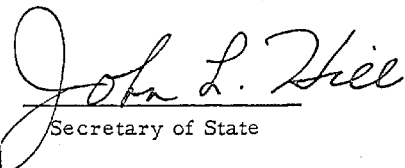
For the reasons stated above, I believe the jurisprudence of the State would be better served by vetoing House Bill No. 204 than by allowing it to become law.

House Bill No. 204 was received in the Governor's Office on May 29, 1967, less than 10 days prior to the adjournment of the Regular Session of the 60th Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I  
have hereunto signed my name  
officially and caused the seal of  
State to be affixed hereto at  
Austin this      day of June, 1967.

  
Governor of Texas

By the Governor:

  
Secretary of State